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Attorneys for Defendants
UBER TECHNOLOGIES, INC.
and OTTOMOTTO LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO TRUCKING LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANTS UBER TECHNOLOGIES,
INC. AND OTTOMOTTO LLC'S
REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF REPLY TO MOTION TO
STAY**

Date: June 7, 2017
Time: 9:00 a.m.
Ct: 8, 19th Floor
Judge: The Honorable William H. Alsup

Trial Date: October 2, 2017

REQUEST FOR JUDICIAL NOTICE

Pursuant to Federal Rule of Evidence 201, Uber Technologies, Inc. and Ottomotto LLC (collectively, “Defendants”) hereby respectfully submit this request to the Court to take judicial notice of the Complaint filed in *Spangenberg v. Uber Technologies, Inc.*, Superior Court of California, County of San Francisco, Case No. CGC-16-552156, filed on May 20, 2016, attached hereto as Attachment A, for the purpose of ascertaining the claims and relief sought by the plaintiff in the *Spangenberg* action.

Rule 201(b) of the Federal Rules of Evidence permits courts to take judicial notice of facts that are “not subject to reasonable dispute,” in that they are either “generally known with the trial court’s territorial jurisdiction” or “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” The accuracy of the *Spangenberg* Complaint can be readily determined and verified on the Superior Court’s online access portal at:

<https://webapps.sftc.org/ci/CaseInfo.dll?CaseNum=CGC16552156&SessionID=9B6BE304CE804F5598CE0DAD091EF9310CF25E06>. Moreover, courts in the Ninth Circuit routinely take judicial notice of documents filed in federal or state courts. *Zbitnoff v. Nationstar Mortgage LLC*, No. C-15-01241-WHA, 2015 WL 5535805, at *3 (N.D. Cal., Sep. 18, 2015) (Alsup, J.) (taking judicial notice of complaint because it is a “matter[] of public record and the proper subject of judicial notice”); *ASARCO LLC v. Shore Terminals LLC*, No. C-11-01384-WHA, 2012 WL 2050253, at *9 (N.D. Cal., June 6, 2012) (Alsup, J.) (taking judicial notice of court filings); *Reyn’s Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746 n.6 (9th Cir. 2006) (taking judicial notice of briefs and hearing “[t]o determine what issues were actually litigated”).

For the foregoing reasons, Defendants respectfully request that Attachment A be judicially noticed when ruling on Defendants’ Motion to Stay.

1 Dated: May 30, 2017

Respectfully Submitted,

2 MORRISON & FOERSTER LLP

3 BOIES SCHILLER FLEXNER LLP

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5 By: /s/ Hamish P.M. Hume
Hamish P.M. Hume

6 Attorneys for Defendants
7 UBER TECHNOLOGIES, INC. and
8 OTTOMOTTO LLC
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